



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Examiner: Sean E. Conley

Wayne A. Himes

Art Unit: 1744

#6

Serial No. 09/924,132

Filed: August 8, 2001

Title: Hunter's Trunk

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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## AFFIDAVIT UNDER 37 C.F.R. Sect. 1.131

Attachment to  
Applicant's Response  
To Office Action  
Dated July 11, 2003

Sir:

My name is Wayne A. Himes, affiant in this Affidavit, and residing at 229 Southwest Road, Canterbury, New Hampshire, USA. I am (Affiant is) the sole inventor of record in US patent application Serial Number 09/924,132, filed on August 8, 2001. The above referenced US patent application, as filed, is entitled: "Hunter's Trunk."

The following are my (affiant's) statements of fact, presented herein in combination with a supportive exhibit attached hereto in response to the Office Action taken July 11, 2003, with respect to claims included in the above identified US patent application. In the above-noted Office Action, the examiner applied a reference publication under 35 USC 103. The effective date of said publication is July 19, 2001. The following statements and associated evidence establish that

the claimed invention was reduced to practice by me (affiant) *before* the effective date of said reference relied upon by the Examiner to show that the invention was obvious.

On a date *prior* to July 19, 2001, I (affiant) conceived of a solution to avoid human-related scent detection by quarry during a hunt. Experimenting with natural materials indigenous to a planned hunt site near my (affiant's) home in New Hampshire, USA, I placed the indigenous materials such as pine cones into a container along with hunter clothing and related gear. Over a period of time while confined with the materials, the clothing and gear absorbed the strong scent of pitch from said pine cones, as well as scents from other natural forest materials placed in said container.

Wearing said naturally scented clothing on subsequent hunts resulted in my (affiant's) closer encounters with quarry and highly successful hunt outcomes. However, enclosing said materials in the container in close proximity to said clothing and gear allowed the undesirable result wherein pitch and other soiling elements from the pine cones were transferred to the clothing and gear.

Subsequently, yet still *prior* to July 19, 2001, I (affiant) refined the process and storage device by constructing a scent concealing wood chest with inner-screened compartments that maintained the natural, indigenous materials including pitch-coated pine cones, separate from said clothing and related gear.

My (affiant's) initial prototype resulted in a highly operative process and device for camouflaging human-related scents without unduly soiling the clothing and gear, while also presenting a reasonably attractive and functional piece of furniture.

As supportive evidence, attention is respectfully directed to accompanying Exhibits A-C attached hereto and showing photographs of said prototype chest in a variety of modes or positions. I (affiant) took these photographs of the prototype chest as it existed prior to July 19, 2001. Exhibits A-C are to be considered part of the subject affidavit.

In summary, the device and method claimed in the above-identified patent application were reduced to practice by my (affiant's) own acts performed in the United States of America, and the whole invention claimed in the above identified US patent application was in my (affiant's) possession prior to July 19, 2001.

**Affiant hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize**

the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Wayne A. Himes  
Signature of Affiant/Inventor

Wayne A. Himes  
Printed Name of Affiant/Inventor

10/1/03  
Date

Attachment: EXHIBITS A-C